

NEWS NOTES

OF THE CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

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Philadelphia, Pa.

Palmer Given Probation, Fined

C.O. Loses Park Appointment

Walter Coppock, Quaker non-registrant, has lost his job as a Seasonal Park Ranger in Yosemite National Park because of his refusal to register for the draft. Coppock served in a conscientious objector camp during World War II but refused to register for the 1943 draft law. He received a three-year sentence December 13, 1943, in California and was released from prison on parole December 21, 1949.

During the summer of 1953 Coppock served as a Seasonal Park Ranger in Yosemite on a temporary appointment. After completion of the summer's service the National Park Service wished to change his status to an indefinite appointment to facilitate rehiring for subsequent summers. The change of status made Coppock subject to a regular civil service investigation and the security program of the Department of Interior.

In February of this year Harthorn L. Bill, Assistant Superintendent of Yosemite National Park, wrote Coppock that, "as a result of the security investigation which was made in your case, we have been advised that in view of the tightened restrictions under the security program, the employment of Conscientious Objectors is highly questionable and that you should be removed from our rolls."

However, Coppock filed an application with the Civil Service Commission for another temporary appointment for the summer of 1954. He received a notice of eligibility, but the Park Service refused to give him another temporary appointment.

George Willoughby, Secretary of C.O. Services for the American Friends Service Committee and Lyle Tatum of CCCO visited the Director of Security for the Department of Interior, J. Cordell Moore, August 24 to attempt to clarify the status of Coppock and C.O.'s in general under the security program. Moore reported that the letter from Yosemite was erroneous. He stated that conscientious objection did not disqualify an applicant for Department of Interior employment under the security program of the Department, but that the commission of a felony could cause disqualification, although it would not be automatic. It developed that Coppock had been disqualified by the Civil Service Commission, not the Department of Interior security program. The disqualification was for the conviction for refusal to register rather than conscientious objection.

The question will be pursued further with the Civil Service Commission in an attempt to determine more exactly the policy of that department in relation to government employment of men who have violated the draft law on the basis of conscience.

Judge Ignores Plea by SSS and Prosecutor for 5-year Prison Term

Vail Palmer was sentenced to three years on probation and fined \$500 by Judge Allan K. Grim in Philadelphia August 16. The sentence followed Palmer's second conviction for refusal on the grounds of conscience to cooperate with the draft law. He previously served a one-year sentence for refusal to register. The second prosecution was for refusal to report for induction. Palmer's draft board classified him I-A and ordered him to report for induction when he refused to fill out Selective Service questionnaires, although he supplied full information on his status by letters to the board.

Harrop Freeman, the defense attorney, argued unsuccessfully that the local board was as delinquent as the defendant, because they ignored all of the information in the file. The conviction will be appealed in an attempt to establish as a matter of law that there are exceptions to the general rule that registrants must take every possible appeal and follow all Selective Service procedures before a court can declare an induction order invalid. The Central Committee for Conscientious Objectors will finance the appeal.

Quakers Testify

Palmer is a member of the Society of Friends (Quakers), and Harrop Freeman called two Friends to testify at the sentencing. Clarence E. Pickett, honorary secretary of the American Friends Service Committee, and George Walton, former principal of George School, told the court that Friends do support the non-registrant or absolutist objector equally with the C.O. who does civilian service. It was pointed out that while Palmer was in prison for refusing to register Philadelphia Friends appointed him as a representative to the Friends World Conference held in England.

Judge Grim questioned the witnesses in a friendly manner and stated that from his study of the case he thought Friends were wrong, but he recognized that they did support this extreme position. The judge also stated that he believed in Palmer's sincerity.

Assistant United States Attorney G. Clinton Fogwell, who represented the government at the sentencing, called Lt. Col. Frank J. Graf, Deputy State Director of Selective Service for Pennsylvania, as a witness. Graf asked for a maximum sentence (5 years in prison, \$10,000 fine) for Palmer. He stated that such flagrant flaunting of the

(Continued on page 3)

Briefly Noted

The I-W Mirror reports that a group of Michigan I-W's have a contract with the local American Legion post whereby they mow the lawns in exchange for which they have been invited to use its facilities.

* * *

Arthur Sternberg, Treasurer of the Doty Appeal Committee, 1563 Fairmount Ave., St. Paul 5, Minn., reports that more funds are needed to carry the appeal in the Doty case. The four Doty brothers are now free on bail while the appeal is pending. They received two-year sentences on their second conviction for refusal to cooperate with conscription. The appeal committee was set up by the Fellowship of Reconciliation in Minnesota.

* * *

The United Press reports that an East German court has imposed sentences totaling 64 years on nine Jehovah's witnesses. The sect is outlawed in the Communist zone. In this country, a good many uninformed persons seem to think J.W.'s are helping the Communists.

* * *

Chief Justice Earl Warren has refused a stay of execution of sentence for George Lillis and Arthur Duffy, Catholic objectors from California. Therefore, the men must serve their prison terms while their conviction is being appealed. Both the District Court and the Ninth Circuit refused them bail while the appeal was pending.

* * *

News Week aroused many objectors by the extremely misleading article in the August 2 issue. The brief paragraph described some of the opposition to conscription tactics of the men at Germfask as typical of World War II objectors. The historic peace churches are co-operating in an attempt to get *News Week* to print an accurate description of the total C.O. picture in World War II.

* * *

Conscientious objectors serving as human guinea pigs at Fitzsimmons army hospital have been getting a lot of favorable publicity. The men are participating in tests on the use of food exposed to atomic radiation. The *Oregon Journal* editorialized that the men "are showing courage of a high order" and suggested that an attempt should be made to get some volunteers who are not C.O.'s to also serve on the experiment.

* * *

Twenty-two new Department of Justice hearing officers have recently been assigned in the Los Angeles area. For a time only two men were available to hear C.O. appeals.

* * *

Bradford Lyttle, C.O. inmate at the Medical Center for Federal Prisoners, Springfield, Missouri, has been assigned to quarters within the hospital, rather than the prison camp, at his own request. The move will cut down the amount of "good time" taken off of his sentence, but it will make it possible for him to live in a special racially integrated unit rather than the racially segregated dormitories of the prison camp.

Butgereit Appeal Argued

Oliver Stone, attorney representing Roy Butgereit of Fairhope, Alabama, presented argument before the Board of Immigration Appeals August 26 requesting that deportation proceedings be terminated. Butgereit, a Methodist conscientious objector, has been ordered deported, although both he and his parents are native-born citizens of this country.

The Immigration and Naturalization Service has alleged that Butgereit left this country to evade military duty and, therefore, lost his citizenship. Butgereit left the United States on his 18th birthday without registering. However, he registered in Costa Rica when required to do so by a presidential proclamation. At the present time his appeal for C.O. classification is pending before the Alabama State Appeal Board. At no time have the Department of Justice or the Selective Service System charged Butgereit with violation of the draft law. (For fuller details on the Butgereit case see NEWS NOTES, June, 1954 and July-August, 1954.)

In addition to the oral argument, a brief was filed with the Board of Immigration Appeals. The brief pointed out that Butgereit did not leave the country to evade duty under the draft law and that as a conscientious objector the question of military duty would not be involved anyway. The brief argued that Butgereit's temporary departure did not amount to expatriation.

Decisions on such appeals are usually announced in about four to six weeks. Stone has been retained by the Central Committee for Conscientious Objectors to represent Butgereit. If the decision of the Board of Immigration Appeals is adverse, the case will be taken to court.

Just revised for the new school year —

STUDENT DEFERMENTS FOR C.O.'s

a mimeographed memorandum prepared by the American Friends Service Committee. Single copies free.

Also still available —

Bibliography of Conscientious Objection, 24 page pamphlet by CCCO. 173 annotated titles of books and periodicals. 20c.

Conscience and the State by Julien Cornell. Problems of objectors in 1943 and 1944. Originally \$1.00, now 25c

Notice, Men of Draft Age. 8½ by 11 poster to refer C.O.'s to your local counseling committee and CCCO. 1c each.

ORDER FROM CCCO

VAIL PALMER SENTENCED

(Continued from page 1)

draft was a bad example for other registrants. Although he presented no evidence to support the contention, he reported that a severe sentence for refusal to register always brought a "large influx of registrants" who were past 18 but not yet registered. Upon cross-examination by Harrop Freeman he admitted that these were not conscientious objectors rushing in.

In an action without precedent in the Philadelphia court in a C.O. case, Assistant U.S. Attorney Fogwell made a strong plea for a maximum sentence for Palmer. In spite of the testimony of two outstanding leaders of the Society of Friends and the conclusion of the judge, he stated that he didn't think that Palmer was taking a Quaker position. Fogwell called the attention of the court to his personal record of more than four years in the armed forces during World War II and pointed out his aversion to the position taken by Palmer, although he stated that he respects "bona fide" conscientious objectors. The bad example argument of Col. Graf was also stressed.

Judge Grants Probation

Judge Grim, who had taken six months to find Palmer guilty, remarked that although the decision on the conviction was difficult enough, the decision on the proper sentence was even more difficult. After discussing some of the problems in arriving at a sentence he felt to be satisfactory, he concluded that a prison sentence would serve no useful purpose in the case and placed Palmer on probation for three years. However, in spite of his conclusions as to Palmer's sincerity he remarked that he felt Palmer had some "stubbornness and arrogance" in the taking of his position that should be punished, so the fine of \$500 was imposed.

Fogwell, obviously irritated by the absence of a prison sentence, asked the judge what good probation would do since a condition of probation is to obey all laws, and Palmer would disobey the draft law and be sent to prison for violating probation. Judge Grim replied that a man placed on probation could only be sent to prison for violating that probation by the sentencing judge. Grim said he did not expect the difficulty mentioned by Fogwell to arise.

Participants Interviewed

After giving the participants ten days to reflect on the sentencing, NEWS NOTES asked for comments by Fogwell and Palmer. Fogwell declined to state for publication who was responsible for the request for a maximum sentence. He did state, and agreed that he could be quoted, that as an attorney he felt an obligation to his client, in this case Selective Service. Col. Graf had made the position of Selective Service clear. Fogwell repeated that he respects the "bona fide" objector. The conscientious objector who cooperates fully with his draft board is a "much better American citizen" in his opinion, Fogwell stated.

Palmer said that he was shocked by the plea for a maximum sentence. He is appreciative of the probation sentence and glad to note that Judge Grim is in line with the recent trend of the courts to take a much more

Who is the D. A.'s Client?

(An Editorial)

The late Justice Murphy of the United States Supreme Court who was also a former Attorney General of the United States once wrote in an opinion on a C.O. case, "The law knows no finer hour than when it cuts through formal concepts and transitory emotions to protect unpopular citizens against discrimination and persecution."

In this single sentence Justice Murphy expressed a keen appreciation for the idealistic role of law and the judicial system in our form of government. Ideally, the judicial system is not swayed by public prejudice nor political influence. The guilty and the innocent, the wealthy and the poor, the prominent and the unknown, the popular and the unpopular are to have their rights zealously and equally protected by judge and prosecutor alike.

This is the ideal. It is our judicial system as taught in civics books, as presented in popular radio and TV programs, and as proclaimed abroad by the Voice of America. The fact that an occasional judge may end up in prison or a United States Attorney may hand in his resignation after disclosure of an unethical business relationship does not alter the validity of the theory.

An Assistant United States Attorney asking for a maximum sentence (see story page 1) under the impression that the Selective Service System is his "client" doesn't alter the validity of the theory, either, but it certainly marks another violation of the theory.

Who is the client of the United States Attorney? If a man were on trial for bank robbery would the United States Attorney consider the bank as his client? If so, would the bank pay him a fee for the work with perhaps a bonus for a twenty-year sentence? Obviously, the United States Attorney would not consider the bank his client.

And neither is the Selective Service System a client of the United States Attorney in any specific sense as recently suggested by an Assistant United States Attorney in Philadelphia. The United States Attorney is obligated to seek justice equally for the conscientious objector being prosecuted, for the members of the Selective Service System and for all the rest of the public.

A complicated maze of public policy and moral questions is involved in every prosecution of a man who ends up in court for conscientious civil disobedience. Then is the time those charged with the operation of our judicial system should seek diligently for guidance that the law might know "its finest hour."

LYLE TATUM

reasonable view on second prosecutions than either Selective Service or the Department of Justice.

Although Palmer did not contest his first prosecution, he stated that he chose to carry the fight in court to the limit on the second prosecution, because he believes that important civil liberties questions are involved as well as the status of objectors. He hopes to help in finding a way to prevent repeated prosecutions for conscientious refusal to give any support to conscription and war.

THE COURT REPORTER

I PROSECUTIONS

Sentence confirmed since last issue

6-16-54 John Rempel, 3 years, (Denver, Colo.)
Judge William Knous

Sentenced since last issue

8-16-54 Vail Palmer, 3 years probation and \$500 fine, (Philadelphia, Pa.) Judge Allan Grim

Acquittals confirmed since last issue

5-19-54 Noble Milligan, (Los Angeles, Cal.)
Judge Campbell Beaumont
5-30-54 Billy Joe Reynolds, (Los Angeles, Cal.)
Judge Campbell Beaumont

Acquitted since last issue

8-2-54 Lewis Keefer, (Syracuse, N. Y.) Judge Stephen Brennan

(All prosecutions for refusal to report for or submit to induction unless otherwise noted.)

II RELEASED FROM PRISON

On parole

Date ? Gaetano Brancalone
3- -54 Glenn James
6- -54 Fred Hildebrand
6-29-54 W. L. Stevens
7-18-54 Leo Baldwin
7- -54 Donald Rowland
8- -54 Jack Parkhurst
8- -54 Edward Reed

Good time

6-27-54 Glenn Peters

III MEN CURRENTLY IMPRISONED

Chillicothe, Ohio—Manas Kuhns, Freeman Wingard, Charles Wenger

Danbury, Conn.—Richard Blazej, Harry Nugent, Carl Mascaro, Louis Mascaro, James Playford, Francis Playford, Saul Wider

Florence, Ariz.—William Weir, P. A. Nazeroff
McNeil Island, Wash.—Monty Prothero, George Lillis

Milan, Mich.—Carl Nead, Ronald Wrightsman

Army Reduces Sentence

The Office of the Adjutant General notified CCCO August 17 that the Army Clemency and Parole Board has reduced Theotis Jefferson's sentence from three to two years. Jefferson is a conscientious objector from Florida who is opposed to all participation in the armed forces, but he knew nothing about the provisions of the draft law for civilian work. He was inducted into the army and sent to Camp Pickett for training in the medics in 1953.

He refused to cooperate with the training program and received a six-months court-martial sentence. Upon release from that sentence he still refused to cooperate, and 17 December 1953 he was court-martialed again. At that time he was sentenced to five years in prison and a dishonorable discharge. The sentence was immediately reduced to three years upon review. Jefferson has been serving his time in the U.S. Disciplinary Barracks at Camp Gordon, Georgia.

The most recent reduction of sentence follows letters of request for such action from AFSC, CCCO, and Jefferson's church and friends.

Petersburg, Va.—Carl Nickel, Finley Cerwithian
Seagoville, Texas—Bill Passmore, William Moser
Springfield, Mo.—Clarence Bryan, Emanuel Miller,
Melvin Chupp, Howard Roberson, Burton Rosen, Henry Adamowicz, John Forbes, Ralph Dorn, Bradford Lyttle

Tucson, Ariz.—Robert Kent, Gordon Carey, Robert Hollingshead, Ervin Waters, Arthur Duffy

Institution not verified—John Rempel (CCCO has now learned that Raymond Skinner and William Chernikoff, who have been listed in this column, have been free on bond since their convictions, with appeals pending.)

Total number of C.O.'s convicted since 1948 to date: 272 (This is a minimum number, since J.W.'s and Muslims are not included, and we miss a few).

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